

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

78-80 ST. MARKS PLACE, LLC,

Case No.: 21-12139 (MG)

Debtor.  
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**ORDER AUTHORIZING AND APPROVING EMPLOYMENT OF MALTZ AUCTIONS,  
INC. D/B/A MALTZ AUCTIONS AS REAL ESTATE BROKER  
TO THE CHAPTER 7 TRUSTEE**

Upon the application (“Application”) of Marianne T. O’Toole, Esq., solely in her capacity as interim Chapter 7 Trustee (“Trustee”) of the estate of 78-80 St. Marks Place, LLC (“Debtor”), seeking entry of an Order authorizing and approving the employment of Maltz Auctions, Inc. d/b/a Maltz Auctions (“Maltz”) as real estate broker to the Trustee to market and sell Debtor’s real property known as and located at 78-80 St. Marks Place, New York, New York 10003 (“Property”) pursuant to section 327(a) of title 11 of the United States Code (“Bankruptcy Code”); and upon the affidavit of Richard B. Maltz, a copy of which is annexed to the Application as Exhibit A (“Affidavit”); and the Application having been presented to the Court on notice with an opportunity for a hearing; and no objections to the Application having been filed; and the Court having been satisfied that Maltz neither represents nor holds any interest adverse to the Trustee or to the Debtor’s estate; (ii) Maltz is a “disinterested person” as that term is defined in section 101(14) of the Bankruptcy Code; and (iii) the employment of Maltz is necessary and would be in the best interests of the Debtor’s estate; it is now hereby

**ORDERED** that, in accordance with section 327(a) of the Bankruptcy Code, Maltz is employed as real estate broker to the Trustee to market and sell the Property; and, it is further

**ORDERED** that, for its services, Maltz shall be entitled to seek compensation in the form

of a four percent (4%) buyer's premium, inclusive of all expenses (which buyer's premium would be included in the total purchase price to be paid by the successful purchaser of the Property to close on the sale); and, it is further

**ORDERED** that Maltz reserves the right to seek (upon prior consent of the Trustee) reasonable fees and reimbursement of expenses in the event there is no sale of the Property; and, it is further

**ORDERED** that no compensation shall be paid to Maltz except upon proper application pursuant to sections 330 and 331 of the Bankruptcy Code, upon notice, upon a hearing and by further Order of the Court; and, it is further

**ORDERED** that the authorization granted to the Trustee in this Order shall apply to the Trustee as interim and permanent Trustee; and, it is further

**ORDERED** that this Court shall retain jurisdiction to hear and to determine all matters arising from or related to implementation of this Order.

Dated: September \_\_\_\_\_, 2022  
New York, New York

\_\_\_\_\_  
Honorable Martin Glenn  
Chief United States Bankruptcy Judge

NO OBJECTION:

William K. Harrington  
United States Trustee for Region 2

By: \_\_\_\_\_  
Greg Zipes, Esq. Trial Attorney